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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,467	01/06/2000	MATTHEW P.J. BAKER	PHB-34314	1753

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
2682	17

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/478,467	BAKER ET AL.
	Examiner Charles Appiah	Art Unit 2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 13-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 13-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed on have been fully considered but they are not persuasive. With respect to Applicants' argument that because "the control information as taught by Mustajarvi is concurrently transmitted with the first acknowledgment (3-2) and the second acknowledgment (3-4) if it is transmitted, Mustajarvi fails to disclose and teaches away from an initial transmission of the control", examiner respectfully disagrees and asserts that Mustajarvi's disclosure as illustrated in Fig. 3 still meets Applicant's invention as claimed, since steps 3-3 and 3-4 meets the limitation of "control information is initially transmitted on an uplink control channel and a downlink control channel between said primary station and said secondary station" "subsequent to a reception of the acknowledgment by said secondary station", with "the initial transmission of data on the uplink data channel steps 3-5 and 3-6 occurring after the "initial transmission of control information on the uplink control channel and the downlink control channel". Examiner is at a loss as to Applicant's assertion that "at step 3-2, the primary station BSS acknowledges the first request for resources by the secondary station. At this point, Mustajarvi ... ", (see first paragraph of page 8 of the response filed on July 10, 2003), since the cited portion of Mustarjavi does not provide such a teaching.

In view of the above, the rejections using Mustajarvi still meets Applicant's invention as claimed and the rejections are maintained as repeated below. These rejections are made FINAL.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 13, 16-19, 22, 23, 24, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mustajarvi (6,356,759)**.

Regarding claims 13, 19, 23, and 27 Mustajarvi discloses (see Fig. 3), a radio communication system, a secondary station for transmitting a request for resources (step 3-1), a primary station for transmitting an acknowledgement (step 3-2), and a method of operating a radio communication system including a primary station and a secondary station, wherein subsequent to a reception of the acknowledgement by the secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between the primary station and the secondary station (steps 3-3 and 3-4), wherein, subsequent to the reception of the acknowledgement by the secondary station, data is initially transmitted on an uplink data channel from the secondary station (3-5), with the initial transmission of data on the uplink data channel being determinedly delayed until after the initial transmission of control information the uplink control channel and the downlink control channel (step 3-5 –3-6 occurring after steps 3-3 and 3-4 shows a delay by transmitting the PACCHs before data transmissions).

Regarding claims 16 and 22 Mustajarvi's teaching of the base station sending the packet resource assignment using PACCH (step 3-4) reads on the primary station dynamically determining the delay in the initial transmission of data on the data channel.

Regarding claims 17 and 26 Mustajarvi's teaching of the mobile station sending the paging packet response using PACCH (step 3-3) reads on the primary station dynamically determining the delay in the initial transmission of data on the data channel.

Regarding claim 18, Mustajarvi shows the delay in the initial transmission of data on the data channel being predetermined (steps 3-3 and 3-4 occurring specifically before step 3-5).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 14, 15, 20, 21, 24, 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustajarvi as applied to claims 13, 19, 23 and 27 above, and further in view of **Esmailzadeh et al. (6,310,868)**.

Regarding claims 14, 20, 24, 28 and 29 Mustajarvi further discloses that the Packet Resource Assignment message can comprise information related to timing advance and power control (see col. 2, line 62 to col. 3, line 3), fails to explicitly teach that the power control means is for adjusting power levels of the uplink control channel and the downlink control channel prior to the transmission of data.

In an analogous field of endeavor, Esmailzadeh discloses a method for transmission power control which can compensate for signal fluctuations in the uplink and downlink by controlling the power of a signal transmitted between a base station and a mobile station (see col. 2, lines 28-56, col. 3, lines 8-67).

It would therefore have been obvious to one of ordinary skill in the art to provide for power control in both the uplink and downlink communications in order to quickly compensate for signal fluctuations in order to avoid wasting limited communication resources such as transmission power.

Regarding claims 15, 21, and 25 Mustajarvi fails to teach that the delay in the initial transmission of data on the data channel is determined to allow for a correction of a difference between initial power level and target power levels in the uplink control channel and the downlink control channel.

Esmailzadeh teaches controlling transmission power in the uplink and downlink by comparing generated power control information with a maximum compensation value in both the uplink and downlink prior to providing power compensation (see col. 5, line 29 to col. 6, line 18), suggesting a correction of power level differences.

It would therefore have been obvious to one of ordinary skill in the art to provide for power control in both the uplink and downlink communications in order to quickly compensate for signal fluctuations in order to avoid wasting limited communication resources such as transmission power.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jolma et al. (5,806,003) discloses a method for adjusting transmission power of a mobile terminal unit.

Hamalainen et al. (5,802,465) discloses a data transmission in a radio telephone network

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703 305-6739. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703 308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 306-0377.

CA  
September 13, 2003

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**